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SIXTH ANNUAL MEETING
OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW.
HALL OF THE AMERICAS, PAN-AMERICAN BUILDING, WASHINGTON,
D. C., APRIL 25-27, 1912.

FIRST SESSION.

THURSDAY, APRIL 25, 1912, 8 O'CLOCK P. M.

The meeting was called to order by the President of the Society, Honorable ELIHU ROOT, who spoke as follows:

LADIES AND GENTLEMEN: It is a pleasure for the sixth time to welcome the members of the American Society of International Law and their friends and guests to the annual meeting of the Society.

The year that has passed has been rather a year of tumult and confusion than of peace and construction in the field whose interest brings us together.

The war between Italy and Turkey, which was begun by a declaration on the 29th of September, 1911, has dragged its slow course along, notwithstanding the increased sentiment throughout the world in favor of peace.

The affairs of China have exhibited that great revolutionary outbreak, which the observers of the waning powers of the Manchu Dynasty have long foreseen must be but a question of a few years; and the establishment of a republic in the Chinese Empire, while it appears to be but a matter of internal change, nevertheless must affect most seriously one of the most interesting fields of international concern, that is, the extraterritoriality of the Powers.

Our sister republic, Mexico, has unfortunately fallen into a state of widespread tumult, and in large parts of the country the bonds of order seem to have been altogether thrown off. The disturbances in

Mexico have led to a rather interesting development of the law of neutrality on the part of our country, in the passage of a law authorizing the President, whenever he finds that in any American country there are conditions of domestic violence promoted by the use of arms and munitions of war, which may be obtained in the United States, to make proclamation of that fact, whereupon it is made unlawful to ship any arms or munitions of war to such country, thus extending our old principle of neutrality to the conditions in which belligerency have not been recognized, and in which, for the peace of the world and for the performance of our duties of good neighborhood and real international friendship, we deny to our own people the right to trade or gain on the misfortunes of our neighbors. That law contains, I think, an interesting recognition of a certain tie between the United States and all other American peoples, by being, in its terms, co-extensive with the scope of the Monroe Doctrine, and making this self-denying ordinance apply to all American countries.

At the same time there have been steps taken and things done which are an offset to these disturbances. The strained relations between England and Germany and between France and Germany over the difficulty regarding Morocco, which put all the civilized world into a condition in which it was holding its breath in apprehension, have been dissipated and the dispute peaceably settled by the exercise of good temper and sound judgment. We all realize, I think, that these conditions would in former generations have led inevitably to war, but in this day of the world they have yielded to the continually strengthening power of restraint coming from an advanced state of public opinion regarding the right to engage in war, and the increasing influence of restraint growing out of the enormous interests involved in international commerce.

There have been a number of conferences which have been interesting, and which have been laying the foundation for better international relations. The Central American Conference at Managua on the 3rd of January of the present year; the International Conference regarding Industrial Property held in this city, in May, 1911, resulting in a convention signed by a large number of the Powers of the world; the International Sanitary Conference held in Paris in October, 1911; the International Opium Conference at The Hague in December, 1911, are conspicuous illustrations.

There was another conference, held last August, which has an

important international bearing. That was a conference of the leading economists of the world, which was called under the auspices of the Carnegie Endowment for International Peace. Invitations were sent to the principal authorities of the world on economics to meet at Berne for the purpose of considering and laying out a program for the work of the Division of Economics and History of the Carnegie Endowment, the object of which is to bring about a thorough, scientific and systematic inquiry into the causes and economic effects and bearings of war; so that men who wish to argue in favor of peace will, instead of continually repeating over and over the obvious, have some substantial and substantiated facts to present in support of their arguments. That conference was very interesting and successful, and the gentlemen who participated in it are now engaged in behalf of the Endowment in carrying on the different branches of the investigations which were laid out in the program adopted.

Secretary Knox has just returned from a tour in which, by the kind invitation and hospitality of the Central American states and the other states about the Caribbean, he has visited them as the guest of their governments, and has renewed to them the expression of the really unselfish feeling of the United States toward all of them and the assurance that our only desire is to be of service to them and to do what becomes a larger and more powerful neighbor toward helping them along the road of orderly and stable government, which presents so many difficulties to all of us.

During the year treaties of arbitration have been made between Argentine and Venezuela and between Denmark and France. Treaties of arbitration were also concluded between the United States and Great Britain and between the United States and France in August, 1911. These were advised and consented to by the Senate with some rather material amendments, and have not been resubmitted to the English or the French Governments.

With this very brief review of the international affairs of the year, I will proceed to comply with the custom of the Society by making some observations regarding a specific subject within the field of international law. The subject which I have selected is "The Real Significance of the Declaration of London." I said something about the Declaration of London a few days ago to a very distinguished jurist, and I immediately perceived by the expression of his face that he did not know what it was. Of course, that cannot be true of anybody

in the Society, but the knowledge which people generally have regarding this particular transaction or document is far out of proportion to the real importance of the thing itself.

ADDRESS OF HON. ELIHU ROOT, PRESIDENT OF THE SOCIETY,
on
THE REAL SIGNIFICANCE OF THE DECLARATION OF LONDON.

The principal achievement of The Hague Conference of 1907 was the Convention for an International Prize Court. That convention provided for a real and permanent court composed of judges who were to be appointed by the contracting Powers for terms of six years, were required to be "judges of known proficiency in questions of international maritime law and of the highest moral reputation," and were to be paid a stated compensation from a fund contributed by all the Powers.

Jurisdiction was conferred upon the court to review on appeal all judgments of national prize courts. By a subsequent agreement, for the purpose of avoiding difficulties presented by the constitutions of some of the signatory Powers, an alternative procedure was authorized under which the new court might pass upon the question involved in the case of prize *de novo*, and notwithstanding any judgment of the national prize court, instead of passing upon it by way of appeal from that judgment. Article 7 of the convention provides:

If a question of law to be decided is covered by a treaty in force between the belligerent captor and a Power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty.

In the absence of such provisions the court shall apply the rule of international law. If no generally recognized rule exists the court shall give judgment in accordance with the general principles of justice and equity.

In estimating the value of such an agreement among the civilized Powers it is worth while even for a student of international law to recall the wide range and critical importance of the questions to be included within the jurisdiction of the new court.

When war breaks out between two considerable maritime Powers the commerce of the whole world is immediately affected. Each belligerent nation undertakes, so far as it can, to cripple its enemy